

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEREK ALLENXAVIER GUYTON,

Plaintiff,

Case No. 1:11-cv-621

v.

Honorable Paul L. Maloney

UNKNOWN PART(Y)(IES) et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. By order entered June 22, 2010 (docket #3), the Court granted Plaintiff's request to proceed *in forma pauperis* and required Plaintiff to pay an initial partial filing fee of \$6.34, pursuant to 28 U.S.C. § 1915(b)(1). The Court ordered that the initial partial filing fee be paid within 28 days and warned Plaintiff that his case would be dismissed without prejudice should he fail to pay. The Court also warned Plaintiff that he would remain liable for the filing fee. Plaintiff subsequently moved for reconsideration (docket #4), asserting that he should be excused from paying any portion of the filing fee until he is released from prison. In an order issued July 5, 2010 (docket #5), the Court denied reconsideration.

More than 28 days have now elapsed, and Plaintiff has not paid the fee. Because Plaintiff has failed to comply with the Court's order, the Court will dismiss the action without prejudice for lack of prosecution. Plaintiff shall remain liable for the \$350.00 civil action filing fee.

Date: August 10, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge